

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD COLEMAN,

Plaintiff,

Civil No. 2:08-cv-12727
Hon. John Feikens

-vs-

WAYNE COUNTY SHERIFF WARREN
EVANS,

Defendants.

ORDER DISMISSING CASE

Plaintiff Edward Coleman brings this case against Wayne County Sheriff Warren Evans for the violation of his Fourteenth Amendment rights. Sheriff Evans removed this case from state court under federal question jurisdiction and now moves this Court to dismiss Coleman's complaint under Federal Rule of Civil Procedure 12(b)(6) because Coleman has failed to state a claim upon which relief can be granted. Coleman has not responded to this motion. I GRANT Sheriff Evans's motion and dismiss this case.

"A Rule 12(b)(6) motion tests whether a cognizable claim has been pleaded in the complaint." Scheid v. Fanny Farmer Candy Shops, Inc., 859 F.2d 434, 436 (6th Cir. 1998). "In considering whether to grant a defendant's motion to dismiss pursuant to Rule 12(b)(6) a district court must accept as true all the allegations contained in the complaint and construe the complaint liberally in favor of the plaintiff." Kottmyer v. Maas, 436 F.3d 684, 688 (6th Cir. 2006). Plaintiffs must comply with Rule 8(a)(2) by providing "a short and plain statement of the

claim showing that the pleader is entitled to relief. . . .” However, a court must construe a complaint filed by a pro se plaintiff liberally. Erickson v. Pardus, 127 S.Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007).

Coleman is a pro se litigant. His complaint is difficult to decipher, but it appears that he is alleging that his personal information has been released to the public in violation of his Fourteenth Amendment rights. Liberally construed, Coleman’s complaint fails to state a claim upon which relief can be granted. The complaint appears to state that Coleman’s information has wrongly been released to the public and that certain entities will not assist him with preventing the release of this information. However, after reviewing Coleman’s complaint, I have found no articulable claim or basis upon which Coleman could be entitled to relief. In particular, it is entirely unclear from the complaint how Sheriff Evans has violated Coleman’s Fourteenth Amendment rights.

For the reasons stated above, I hereby GRANT Sheriff Evans’s motion and dismiss Coleman’s complaint.

IT IS SO ORDERED.

Date: Oct. 15, 2008

s/John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on Oct. 15, 2008, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager